

Gordon & Rees LLP
Embarcadero Center West
275 Battery Street, Suite 2000
San Francisco, CA 94111

1 TERESA DEMCHAK (SBN: 123989)
ROBERTA L. STEELE (SBN: 188198)
2 GOLDSTEIN, DEMCHAK, BALLER,
BORGEN & DARDARIAN
3 300 Lakeside Drive, Suite 1000
Oakland, CA 94612
4 Telephone: (510) 763-9800
Facsimile: (510) 835-1417
5

6 CRAIG ACKERMANN (SBN: 2229832)
ACKERMANN & TILAJEF, P.C.
1180 South Beverly Drive, Suite 512
7 Los Angeles, CA 90035
Telephone: (310) 277-0614
8 Facsimile: (310) 277-0635

9 Attorneys for Plaintiffs
JERMANINE HAYNES, CORNELIUS CLARK,
10 CHESTER LEWIS, DAVID MCAFARLIN II,
JOHN PONDS, AND GARRANT COSEY, on behalf
11 of themselves and all other persons similarly situated

12
13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 JERMAINE HAYNES, CORNELIUS CLARK,)
CHESTER LEWIS, DAVID MCFARLIN II,)
16 JOHN PONDS, and GARRANT COSEY, on)
behalf of themselves and all other similarly)
17 situated persons,)

18 Plaintiffs,)

19 v.)

20 ANNA'S LINENS COMPANY, ALAN)
GLADSTONE and CARIE GLADSTONE)
21 DOLL,)

22 Defendants.)
23

CASE NO. CO5-02670 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER RE: LEAVE TO FILE FIRST
AMENDED COMPLAINT PURSUANT
TO FEDERAL RULE OF CIVIL
PROCEDURE 15**

Hon. Maxine M. Chesney

24 Pursuant to Rule 15 of the Federal Rules of Civil Procedure, the parties to this action, by
25 and through their designated counsel, hereby AGREE and STIPULATE, subject to the approval
26 of this Court, that Plaintiffs may file a First Amended Complaint, a true and correct copy of
27 which is attached hereto as Exhibit A. This Stipulation is intended to spare the Court and the
28 parties the necessity of a motion for leave to file the amended complaint and a hearing thereon.

The parties hereto agree and acknowledge that Defendants, by executing this Stipulation, do not concede: (1) the truth or validity of any of the allegations of the First Amended Complaint, (2) the viability or validity of any of the claims or causes of action set forth in the First Amended Complaint or (3) whether any of the putative "classes" or "sub-classes" referenced therein are properly defined or meet the criteria for certification under Federal Rule of Civil Procedure 23, *et. seq.* Defendants expressly reserve all rights to contest and/or oppose such matters pursuant to Federal Rules of Civil Procedure 12, 23 and 56, and at trial.

IT IS SO STIPULATED.

March 7, 2006


GOLDSTEIN, DEMCHAK, BALLER, BORGAN &
DARDARIAN


Teresa Demchak
Roberta Steele

CRAIG ACKERMANN
ACKERMANN & TILAJEF, P.C.
Attorneys for Plaintiffs

March 6, 2006

GORDON & REES LLP


Brian P. Maschler
Michael D. Bruno
Attorneys for Defendants

Based upon the foregoing Stipulation and for Good Cause Shown, the Court hereby GRANTS Plaintiffs' Request for Leave to File their First Amended Complaint. Plaintiffs shall file the proposed First Amended Complaint no later than March 17, 2006.

IT SO ORDERED.

Dated: March 10, 2006


The Honorable Maxine M. Chesney